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PATENT

IN THE UNITED STATES  
PATENT AND TRADEMARK OFFICE

Serial No.: 09/662,203  
Applicant: Smith et al.  
Filed: September 14, 2000  
For: BREATHING ASSISTANCE  
APPARATUS  
Examiner: GLENN K. DAWSON  
Art Unit: 3731  
Attorney Docket No.:  
1171/38911/80

|   |                  |
|---|------------------|
| Certificate of Mailing by "Express Mail"  |                  |
| Express Mailing No.:  | EV 430279.514 US |
| Date of Deposit:  | October 21, 2004 |
| I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office Box Addressee" Under 37 C.F.R. §1.10 on the date indicated above addressed to The Commissioner for Patents P.O. Box 1450, Alexandria, VA 22313-1450. |                  |
| <br>Tiffany E. Sexton   |                  |

COMMUNICATION

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants are in receipt of the Notice of Allowance mailed on September 3, 2004 for the above-designated application. Applicants request to be advised of the following:

1. The Notice of Allowance did not include the initialed Form PTO-1449 for the timely submitted Information Disclosure Statement of August 23, 2004, copy enclosed without references as Exhibit A. A copy of the return post card is attached in Exhibit A indicating that the Information Disclosure Statement was received by the United States Patent and Trademark Office. Applicants request to be advised if this


Information Disclosure Statement was considered and requests return  
of the initialed form PTO-1449.

Should the Examiner have any questions regarding this Communication, the  
Examiner is invited to contact one of the undersigned attorneys at (312) 704-1890.

Respectfully submitted,

Dated: Oct. 21, 2004

By: \_\_\_\_\_

  
Raiford A. Blackstone, Jr., Reg. No. 25,156  
Linda L. Palomar, Reg. No. 37,903

TREXLER, BUSHNELL, GIANGIORGI  
BLACKSTONE & MARR, LTD.  
105 W. Adams Street  
Suite 3600  
Chicago, Illinois 60603  
(312) 704-1890

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PATENT

IN THE UNITED STATES  
PATENT AND TRADEMARK OFFICE

Serial No.: 09/662,203 )  
Filed: September 14, 2000 )  
For: BREATHING ASSISTANCE )  
APPARATUS )  
Applicant: Smith et al. )  
Examiner: Dawson )  
Art Unit: 3761 )  
Attorney Ref: 1171/38911/80 )

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

August 23, 2004  
Date

Sydney E. Sexton  
Village E. Sexton

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In accordance with Applicant's duty of candor under 37 CFR §1.56 and in compliance with 37 CFR §1.97 and §1.98, Applicant is not aware of any material prior art but, in an abundance of caution and candor, Applicant submits the present Supplemental Information Disclosure Statement and Form PTO-1449.

This reference first became known to Applicant through an Australian Examination Report dated February 12, 2004, copy enclosed, which issued in a corresponding Australian patent application.

This Supplemental Information Disclosure Statement is being filed before receipt of a first Office Action on the merits after the filing of a Request for Continued Examination (RCE) and constitutes a bona fide attempt to comply with 37 CFR §1.97 and §1.98.

In accordance with 37 C.F.R. §1.97, the presentation of this information shall not be construed as a representation that no other material information as defined in 37 C.F.R. §1.56 exists, or as an admission that the information cited in this statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56.

Should the Examiner believe a fee is required, the United States Patent and Trademark Office is hereby authorized and requested to charge the fee to the deposit account of the undersigned firm, Account No. 20-1495.

Respectfully submitted,

Dated: August 23, 2004

By: 

Raiford A. Blackstone, Reg. No. 25,156  
Linda L. Palomar, Reg. No. 37,903  
Trexler, Bushnell, Giangiorgi,  
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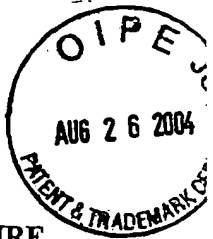


Case 80  
1171/38911

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August 23, 2004  
RAB/LLP/tes

Serial No.: 09/662,203  
Filed: September 4, 2000  
For: BREATHING ASSISTANCE APPARATUS  
Applicant: SMITH et al.



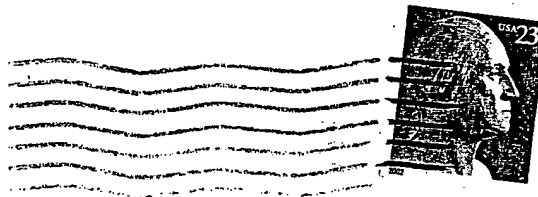
Enclosed: **SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**; Form PTO-1449; cited reference; A copy of the Australian Examination Report; Certificate of First Class Mailing and this postcard.

Receipt Acknowledged: \_\_\_\_\_

F/U: 09/23/04

**ASSISTANT COMMISSIONER FOR TRADEMARKS:**

Kindly stamp card with date of receipt of attached material and return to attorneys of record.



TREXLER, BUSHNELL, GIANGIORGI & BLACKSTONE, LTD.  
105 W. Adams Street, 36th Floor  
Chicago, Illinois 60603

**RECEIVED**

AUG 31 2004

TREXLER, BUSHNELL, GIANGIORGI,  
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